

Montana Department of Public Health & Human Services	Section: Non-TANF Child Care Eligibility
CHILD CARE	Subject: Household Requirements

Supersedes: Child Care 2-2 (9/1/06)

References: 52-2-701 - 704 & 52-2-711 - 713 MCA
Sections 37.78.215 (3), 37.80.101-103, 37.80.201-202, 37.80.205-206,
37.80.301-302, 37.80.305 -306, 37.80.315-316, 37.80.501 ARM
45 CFR Part 98.20 – 47

General Rule

As long as funding is available, Non-TANF Best Beginnings Child Care Scholarships are available to families who work and to teen parents attending high school or equivalency programs, whose gross income does not exceed 150% of poverty. Parents must have a need for child care and must receive court-ordered child support or maintain cooperation with child support for each child who has an absent parent:

- ❑ A Best Beginnings Child Care Scholarship is not available for parents to care for their own children.
- ❑ If a parent is available to care for the child, there is no need for a Best Beginnings Child Care Scholarship. However, a need may still exist if the available parent is unable to provide suitable care for the child(ren).
- ❑ If child care is available at no cost, there is no need for a Best Beginnings Child Care Scholarship.
- ❑ If child care is available to the parent at a reduced cost, the Best Beginnings Child Care Scholarship is based on the out-of-pocket expenses incurred by the parent.
- ❑ Parents may not concurrently care for each other's children to obtain a child care scholarship.

Depending on each household's reason for needing child care, child care certification plans for Best Beginnings Child Care Scholarships are generally established for six (6) months.

**Household
Membership**

Eligibility is based on the income and activities of Non-TANF household members. Individuals living in the child's home may be 'required household members' or 'optional household members,' depending upon their relationship to the child(ren) in care.

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If the family chooses to include an optional household member, all eligibility requirements apply to the optional household member. Once the family elects to include an optional member individual, the optional member may not be removed from the eligibility household, unless the individual physically leaves the home.

Required Household Members, as related to the child(ren):

- ☐ Natural, adoptive parent or stepparent of an intact family, regardless of living arrangements;
- ☐ Parent by common law marriage;
- ☐ Parent joined by a common child;
- ☐ Parent acting in loco parentis;
- ☐ Minor sibling, age 17 and under, including stepbrother, stepsister, half brother and half sister;
- ☐ Child receiving Best Beginnings Child Care Scholarship;
- ☐ Child receiving TANF Cash benefits, or other subsidy, as a member of the household.

Optional Household Members, as related to the child(ren):

- ☐ Adult Sibling, age 18 and over;
- ☐ Aunt or Uncle;
- ☐ Grandparent;
- ☐ Great Grandparent;
- ☐ Parent's Significant Other.

Generally Excluded Household Members, as related to the child(ren):

- ☐ Absent natural, adoptive parent or stepparent is generally excluded. If an absent parent maintains parental rights, child support requirements apply.

Absent Parent, means a natural or adoptive parent, or stepparent who is separated or divorced from the child's residential parent, or who was never married to the residential parent. An absent parent does not share family income, resources, or obligations with their child's household, except by providing child support or alimony.

- ☐ Exchange Students.

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Household membership may be verified by corroborative information, such as rent receipts and statements from third parties.

EXAMPLE: The unmarried mother and father of an eligible child are living together. The father's 12 year-old son is also living in the household. All must be included in the household.

EXAMPLE: A mother, her 8-year-old daughter, her teenage daughter and the teenage daughter's child are living together. The teenager is attending high school. The teenager and her child may be considered a separate household from the rest of the family. However, if the mother wants child care for the 8-year-old sister, all members in the home may be considered as one household. The mother must meet the work requirements in order for the 8 year old to receive child care and the teenager must be attending high school or a GED program in order for her child to receive child care.

EXAMPLE: An unrelated man lives with a mother and her eligible child. The unrelated man is not a required household member. He may, however be included in the household if the family wants to include him. His income and his ability to care for the child(ren) are considered.

EXAMPLE: The father of an unborn child lives with a pregnant mother and her 3 year old child. The father of the unborn is not the father of the 3 year old. He is not a required household member until the child in common is born. He may be included before the child in common is born if the family chooses to include him. In which case, his income and his ability to care for the 3 year-old would be considered.

EXAMPLE: The husband of an intact family spends most of his time working and living out- of-state. He is a required household member.

EXAMPLE: The husband of an intact family is incarcerated. He is a required household member.

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**Common Law
Marriage**

If a couple considers themselves married under common law, both are included in the household.

NOTE: A common law marriage has all of the same rights & duties as a ceremonial marriage. If the income and availability of a step dad, married by ceremony is considered, then the same applies to a step dad married by common law. There is no “benchmark” at which a couple is deemed married by common law. However, if they are holding them selves out as common law husband and wife, then they are married under common law for all intents and purposes.

**Joint Custody
Arrangements**

Parents whether separated or divorced who live apart and divide residential time with their children may each apply for Best Beginnings Child Care Scholarship regardless of the percentage of time the child lives with each parent. Eligibility will be determined by evaluating the need of each application. If the percentage of time spent in each household changes, the parent will need to report the change to the CCR&R. Child support must still be verified either by a court order, compliance with the DPHHS Child Support Enforcement (CSED), or the parent has demonstrated good cause for not cooperating with DPHHS Child Support Enforcement.

**Prospecting a
Temporary
Absence from
Household**

Prospected absences, such as a change in residence for a child during the summer months, will be considered in determining the child care certification plan end-date. Eligibility and needs shall be evaluated when a household change is anticipated. Ask the family if household changes may occur during the next six months. Anticipate changes at semester breaks for household members attending school.

Remove a child’s needs from the household if he/she is gone from their home for 30 days.

- ☐ If the children using the child care scholarship are absent from the household for 30 days or less, suspend the child care scholarship.
- ☐ If the children do not need child care for more than 30 days, close the child care scholarship.
- ☐ If one child, of two or more eligible children, in a household is gone

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for 30 days or more, remove the child's participation from the child care scholarship.

EXAMPLE: A mother and her two children, aged 3 and 7 live together. The 7 year old goes to his father's home in the summer and is gone from June 15th through August 15th. Remove the 7 year-old's needs for the month of July. Adjust the co-payment, for the month following the change.

EXAMPLE: A mother and her 8-year-old daughter live together. In the summer, the child goes to visit her father from June 15 to August 15. Close the Best Beginnings Child Care Scholarship.

EXAMPLE: A teacher does not need child care during the summer months. Close the Best Beginnings Child Care Scholarship.

**Unanticipated
Change**

An unanticipated household change shall be reported to the CCR&R within 10 days. See "Change Reporting" for more information.

**Evaluating the
Non-TANF
Household**

The CCR&R Eligibility Specialist evaluates the following factors in determining household eligibility:

- ❑ The need for child care, based on the ability and availability of adults to care for the child(ren).
- ❑ The financial eligibility, based on the income of each household member, including children.
- ❑ The minimum hourly work requirement, based on the activities and schedule of each household member.
- ❑ Any anticipated changes in the household, such as
 - A change in a parent's school/training schedule,
 - A change in a child's school/training schedule,
 - An anticipated change in the child's residence.

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Child Support Requirement

In Non-TANF Best Beginnings Child Care Scholarship households where one or both of the child's parents is absent from the home, the parent or guardian with whom the child resides, must cooperate in establishing paternity and obtaining court-ordered child support. There are four exceptions to this policy:

- ❑ In cases of single-parent adoption or where the absent parent has terminated parental rights, the parent is not required to cooperate in establishing paternity or obtaining child support.
- ❑ An adult acting in loco parentis, as designated in a military parent's family plan, is not required to pursue child support while the child's parent is deployed. The military family plan substitutes for child support arrangements.
- ❑ The requirement of cooperation in establishing paternity and obtaining child support may be waived if good cause is shown. Good cause policy is outlined in detail later in this manual section.
- ❑ The parent who is applying for child care assistance is under the age of 18.

CCR&Rs are not equipped or authorized to evaluate the adequacy of informal child support arrangements. Child support arrangements must be evaluated and approved, or recognized by the Montana district court system or the Child Support Enforcement Division of DPHHS.

During the application process for a Best Beginnings Scholarship or in the middle of a certification period, the CCR&R Eligibility Specialist may become aware of a parent(s) who is in the process of separating from their spouse or in the middle of divorce proceedings. In these situations, the parent must be in compliance with the child support requirement within 30 days of the change. The parent can be in compliance with the child support requirement in one of the following ways:

- ❑ The parent must apply with CSED and demonstrate they are in compliance through written documentation, and must keep their case open with CSED while receiving child care assistance if a case is established;
- ❑ The parent must have a Montana District Court order on record, be receiving child support payments and provide the CCR&R with a

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copy. If the parent is not receiving payments established through the court order, the parent must apply with CSED; or

- The parent must have appropriate reasons and documentation to apply for good cause.

Compliance with child support policies is a basic condition of eligibility for Best Beginnings Child Care Scholarship.

- ⇒ If the parent is not meeting the child support requirement, deny the scholarship application or close the scholarship case with appropriate notice.

Child Support Verification

Families, who have an absent natural or adoptive parent must verify one of the following:

- The parent receives child support payments under a child support order recognized by a Montana District Court for each child with an absent parent and can verify payments received with written documentation. A copy of the order must be in the parent's file at the CCR&R.
- The parent applies for services with DPHHS Child Support Enforcement (CSED) for each child for whom court-ordered child support is not received. Cooperation with DPHHS Child Support Enforcement must be maintained while receiving a Best Beginnings Child Care Scholarship. Cooperation with DPHHS Child Support Enforcement means that the parent has completed the required application and any other documents requested from CSED. The application and any other documents requested by CSED are to provide CSED enough information to determine whether child support can be established and at what amount child support will be established.

Note: If CSED determines that child support is uncollectible, the CCR&R must receive a statement from CSED stating the parent is in-compliance with CSED.

- The parent demonstrates and has supporting evidence for good cause to be determined for not cooperating with DPHHS Child Support Enforcement.
- The parent is acting in loco parentis under a Military Parenting Plan.
- The parent is receiving child support from another state and this can be

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verified by written documentation.

The Montana DPHHS Child Support Enforcement Division offers payment information online at <https://app.discoveringmontana.com/csed/index.html>. The site requires the child support case number and the parent's Social Security Number.

If a parent is not receiving child support and has good cause not to cooperate with CSED, the Notice of Requirement to Cooperate . . . (DPHHS-HCS/ CC-019) form may be used in the good-cause determination process. Good cause may be claimed at application time or anytime during the child support collection process. Good-cause status is reviewed at each eligibility re-determination.

Parents dissatisfied with Child Support Enforcement Division determinations must appeal through CSED.

Incarcerated Parent(s)

If one parent of an intact family is incarcerated, a child support order is not required. The family should report when the incarcerated parent is released and when they return to the household.

If an absent parent is incarcerated and the family does not consider themselves intact, cooperation with child support policy is required by the parent applying for child care assistance.

If both parents are incarcerated, the family is not intact and a child support order is required for the person acting in loco parentis.

CSED Services

Child Support Enforcement information and applications are available by calling the CSED at 1-800-346-KIDS (5437). CSED services include the following:

- ☐ Application materials;
- ☐ Informational materials;

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- ☐ Establishing paternity;
- ☐ Establishing child support orders for separated or divorced parents; and
- ☐ Parents receive a letter acknowledging application.

**Good Cause for
Not Cooperating
with Child
Support
Enforcement**

Good cause for not cooperating with child support enforcement is determined by the CCR&R Eligibility Specialist. Parents receive a Child Care Program – Notice of Requirement to Cooperate and Right to Claim Good Cause for Refusal to Cooperate in Child Support Enforcement (DPHHS-HCS/CC-019) form when applying for a Best Beginnings Child Care Scholarship.

The requirement of cooperation in establishing paternity and obtaining child support may be waived if good cause is shown. Good cause exists if one of the following circumstances exists and as a result of that circumstance cooperation would be detrimental to the child:

- ☐ cooperation is likely to result in substantial danger, physical harm, undue harassment or severe mental anguish to the child or the parent;
- ☐ the child was conceived as a result of forcible rape or an incestuous relationship;
- ☐ the parent is planning to relinquish or has relinquished the child to a public or licensed social agency for the purpose of adoption;
- ☐ legal proceedings for the adoption of the child are pending before a court of competent jurisdiction;
- ☐ the parental rights to the child have been terminated by a court of competent jurisdiction; or
- ☐ any other situation that makes cooperation with child support requirements detrimental to the child.

A parent who claims to have good cause for refusing to cooperate must:

- ☐ provide evidence to substantiate the claim; or
- ☐ provide sufficient information to permit an investigation to determine whether good cause exists.

A parent may apply for good cause at the time of application, during a report change, or at re-certification. A child care scholarship will not be denied,

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delayed, or discontinued pending a determination of good cause for refusal to cooperate if the parent has complied with the requirements above. However, if it is ultimately determined that good cause does not exist and the recipient continues to refuse to cooperate, the department may recover child care scholarship amounts paid pending the determination of good cause.

In cases where good cause has been found, a review must be held at each re-certification to determine whether there has been any change in circumstances such that good cause no longer exists.

The CCR&R will promptly notify the child support enforcement division of all open cases in which it has been determined that there is good cause for refusal to cooperate in establishing paternity or obtaining child support.

The parent shall provide the child care resource and referral agency with the evidence needed to determine whether the parent has good cause for refusing to cooperate. (If the reason for claiming good cause is fear of physical harm and it is impossible to obtain medical records, law enforcement records or court documents as evidence, the child care resource and referral agency may still be able to make a good cause determination by collecting notarized statements or affidavits from individuals who might have knowledge of the circumstances providing the basis of the parent's good cause claim.)

When a parent or parents refuse to cooperate in establishing paternity or obtaining child or medical support, the family will be ineligible for a Best Beginnings Child care Scholarship.

**Evidence to
Support Good
Cause to Not
Cooperate with
Child Support
Enforcement**

The following are examples of acceptable kinds of evidence the child care resource and referral agency can use in determining if good cause exists:

- ☐ Medical or law enforcement records, which indicate that the child was conceived as the result of incest or forcible rape;
- ☐ Court documents or other records which indicate that legal proceedings for adoption are pending in court;
- ☐ Court, medical, criminal, child protective services, social

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services, psychological, or law enforcement records which indicate that the alleged or absent parent might inflict physical or emotional harm to the parent or the child;

- ❑ Medical records which indicate emotional health history and present health status of the parent or the child for whom support would be sought; or written statements from a mental health professional indicating a diagnosis or prognosis concerning the emotional health of the parent or the child;
- ❑ A written statement from a public or private agency confirming that the parent is being assisted in resolving the issue of whether to keep or give up the child for adoption;
- ❑ Affidavit or notarized statement from individuals, including friends, neighbors, clergymen, social workers, and medical professionals who might have knowledge of the circumstances providing the basis of the parent's good cause claim; or
- ❑ If the OPA Eligibility Case Manager has determined good cause, verify and accept the valid good cause determination.

Documenting Child Support

Case notes should be done within the 30-day application period. When there is an absent parent:

- ⇒ CCUBS must show verified child support income, or;
- ⇒ Case files must document the parent's application for, and cooperation with, child support services, or;
- ⇒ Case notes and case files must document corroborated good cause for not cooperating with child support, or;
- ⇒ Case notes and case files must document the absent parent has relinquished parental rights, or;
- ⇒ Case notes must show evidence of a Military Parenting Plan is in place.

